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C O N T E N T S

ASSASSINATION OF JOHN F. KENNEDY

- - -

Thursday, June 29, 1978

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U. S. House of Representatives,
John F. Kennedy Subcommittee of the
Select Committee on Assassinations,
Washington, D. C.

Deposition of:

BERNARD HUGH TOVAR

called for examination by staff counsel for the subcommittee, pursuant to notice, in the offices of House Annex II, Room 3370, Second and D Streets, Southwest, Washington, D. C., beginning at 2:00 o'clock p.m., before Albert Joseph LaFrance, a Notary Public in and for the District of Columbia, when were present on behalf of the respective parties:

For the Subcommittee:

MICHAEL GOLDSMITH, ESQ. Staff Counsel

ELIZABETH WOLF

For the Deponent:

(There was representation by counsel)

TESTIMONY OF HUGH TOVAR

Mr. Goldsmith. State your name for the record.

Mr. Tovar. I sign my name B. Hugh. My full name is Bernard Hugh Tovar.

Mr. Goldsmith. Mr. Tovar, my name is Michael Goldsmith, Senator Staff Counsel of the Select Committee on Assassinations. I have been designated by the Committee to take your deposition today. You are here voluntarily today?

Mr. Tovar. Yes.

Mr. Goldsmith. You have the right to have counsel present. Do you waive that right?

Mr. Tovar. Yes.

Mr. Goldsmith. Have you read a copy of the Committee's supporting resolution?

Mr. Tovar. Yes.

Mr. Goldsmith. Have you had a chance to read Rule Number 4?

Mr. Tovar. I have.

Mr. Goldsmith. The Committee rules provide for the transcript of a deposition to be made available to a witness and actually be delivered for retention by any witness that gives the Committee a statement. However, by virtue of the arrangement that the Committee has worked out with the CIA, the Agency has asked us to request Agency employees testifying before us to waive the right actually to receive a copy of the transcript.

The reason for that is because the transcript frequently will contain classified information and the Agency prefers for that information to be kept in our secure area here. So I would like to ask you to waive your right to receive a copy of your statement but in so doing, I want to assure you that you will be given a right to review the transcript for accuracy, o make comment upon it and if necessary, to give an additional statement.

Mr. Tovar. I agree.

Mr. Goldsmith. I would like to inform you that the court reporter will provide you with a transcript and the transcript will be certified by the reporter as a complete, accurate and true record of all the testimony that you give here today.

Now, you are employed by the CIA, is that correct?

Mr. Tovar. Yes.

Mr. Goldsmith. I had given you earlier a copy of a letter dated 23 March 1978 from Mr. Carlucci to the Chairman of this Committee. Have you had a chance to read that letter?

Mr. Tovar. I have.

Mr. Goldsmith. Do you understand it?

Mr. Tovar. I understand it.

Mr. Goldsmith. Then I think we are ready to proceed to the substance of the questioning. What is your present position with the CIA?

Mr. Tovar. I am the Chief of the Counterintelligence

Staff of the Directorate of Operations.

Mr. Goldsmith. How long have you been working in that capacity?

Mr. Tovar. Ever since a year ago April.

Mr. Goldsmith. How long have you been working with the Agency?

Mr. Tovar. Thirty years.

Mr. Goldsmith. What was your assignement prior to becoming Chief of the CI Staff?

Mr. Tovar. I was recently returned from overseas where I was Station Chief in Bangkok and three years before that, Chief of the Station in Laos.

Mr. Goldsmith. Prior to assuming your position as Chief of the CI Staff had you had extensive experience in the area of counterintelligence?

Mr. Tovar. No, not particularly. We don't as a rule specialize. We are normally generalists. I do not consider myself a counterintelligence expert.

Mr. Goldsmith. During the years 1959 to '63 what position did you occupy with the Agency?

Mr. Tovar. In 1959 I was Chief of Station in Kuala Lumpur in Malaysia.

In 1920, I came back and I was originally Deputy Chief and then Chief of the Branch in Far East Division which controls operations in the Phillipines, Malaysia, Indonesia, Australia,

New Zealand, and Oceania. That was until 1964.

Mr. Goldsmith. Have you had a chance to review CIA document number 1817 and the pages that follow it?

Mr. Tovar. Yes, I have read these. I had not read these. They were released by one of my subordinates, Mr. Friedlander.

Mr. Goldsmith. Are you telling us that today is the first chance you had to read them?

Mr. Tovar. I did not read them this time. They went to you, to the Committee but I have since read them.

Mr. Goldsmith. They were prepared by whom?

Mr. Tovar. Jack Friedlander, Chief of Operations. They were signed by him, not prepared by him. They would have been originated probably by Mr. Kowalski or Mr. Bradley, I am not sure which. I think Kowalski almost certainly.

Mr. Goldsmith. The memorandum which is labeled CIA No. 1817 was a response by the Agency to an inquiry by the Committee as to whether it was standard operating procedure for the Agency to debrief what in effect were repatriated defectors. I believe it is fair to say by way of summary that the memo says that it was not in fact standard operating procedure during the years 1959 to '63 to debrief such individuals. Is that correct?

Mr. Tovar. Insofar as I understand it. My knowledge is limited to what I see here before me in the paper. During this period in question I was not involved, so I didn't know what

the current policy was then.

What I have been told since by those who should know is that there was no policy as set forth here.

Mr. Goldsmith. Do you know what the criteria were for selecting the 117 individuals whose files were reviewed?

Mr. Tovar. No. I think someone mentioned the other day that the names were incorporated in a memorandum I think origionally by the FBI but I would not certify to that.

Mr. Goldsmith. Mr. Tovar, since you have no direct knowledge as to the manner in which this memo was prepared and, for example, you don't know the criteria that was used for choosing these 117 people, I am not going to ask you questions pertaining to that document. I would like to request that you communicate with the Office of Legislative Counsel at the Agency and tell them the individual who was involved in the actual direct preparation of the document so that I could spend some time with him.

Mr. Tovar. The document, of course, is over my signature, so I stand behind the document. I am responsible for what was said there. If it is incorrect then I am incorrect in leeting that document out. I have no personal first hand knowledge of the research he did to arrive at the conclusion here which he presented to me and I endorsed. I am prepared to stand behind it but I will give you his name.

Mr. Goldsmith. I want to ask you some questions about the

document. CIA no. 1818 indicates that CI Staff has completed a review of the files of 117 US persons who had "defected" to the USSR between 1959 and '63 and since returned to the United States. Is that correct? '58 to '63?

Mr. Tovar. Yes.

Mr. Goldsmith. I would like you to review the statement under the name Thomas Morridian M-O-R-R-I-D-I-A-N. While you read that paragraph, I will state for the record thst the way the memo is set forth it indicates that it was not standard operating procedure to debrief such individuals, that of 117 people whose files were reviewed only ten were debriefed. Then it proceeds to list the ten individuals who in fact were debriefed.

I have now requested Mr. Tovar to read the first summary which is right next to the name of the first person who was debriefed.

Mr. Tovar. Yes sir.

Mr. Goldsmith. When did that individual defect?

Mr. Tovar. 1947 is the year he went to the USSR. I assume that is the year he defected, if that is the term.

Mr. Goldsmith. So that in fact that individual was not someone who defected between 1958 and 1963?

Mr. Tovar. That is correct.

Mr. Goldsmith. Let us look at the next individual under B, Joseph Marshall.

Mr. Tovar. Yes sir.

Mr. Goldsmith. When did Mr. Marshall defect?

Mr. Tovar. It is not clear. He was born in the US in 1897. He said he was employed in Hawaii in 1921. There is no indication whence he went to the USSR.

Mr. Goldsmith. There is no indication he defected between '58 and '63?

Mr. Tovar. No. He was arrested by the Soviets in 1945. Conceivably he might have defected after that.

Mr. Goldsmith. The letter "C", Tommaro S-G-O-V-I-O. Would you please read that section and tell us when this individual defected?

Mr. Tovar. Again, he went to the USSR with his parents in the 1930s. No indication when he defected. He left the USSR in 1960. No way of telling.

Mr. Goldsmith. This individual did not defect between '58 and '63?

Mr. Tovar. At last we have no indication he did. One would assume to the contrary.

Mr. Goldsmith. Letter "D", Mary Mackler, will you please read the first summary and tell us when she defected?

Mr. Tovar. There is no indication when she defected. She went to the USSR with her parents in 1931. Sometime after, married a Soviet.

Mr. Goldsmith. Again, no indication she defected between

'58 and '63?

Mr. Tovar. No.

Mr. Goldsmith. Would you look at letter "E". Sonia and Fred A-S-I-N-I-A-N. When did they defect?

Mr. Tovar. They renounced their US citizenship in 1948. So I assume that is the operative year.

Mr. Goldsmith. Will you look at the letter "F" now?

Mr. Tovar. Jack Kuralski.

Mr. Goldsmith. When did he defect?

Mr. Tovar. He recounced his US citizenship in '34 and departed USSR I assume in 1934.

Mr. Goldsmith. The point I am trying to make is that the memo responding to the Committee's inquiry makes reference to ten individuals who defected between the years '58 and '63. It then proceed to provide us with ten names. But in fact, if we continue to look through the list we will see that seven of the ten individuals did not defect during that time period. Some of them did return during that time period.

Mr. Tovar. And were debriefed.

Mr. Goldsmith. And were debriefed.

Mr. Tovar. Contacted.

Mr. Goldsmith. Of the ten, perhaps three or four returned during the relevant time period. I asked those questions mainly to draw your attention to the fact that the response given was not really --

Mr. Tovar. -- precisely what you wanted?

Mr. Goldsmith. Yes.

Mr. Tovar. I don't know the answer to that. I would assume that the criteria they applied here as best they could was when did he defect, when did he return, was he debriefed or contacted? In some cases they hit one out of three, in other cases two out of three. I think they were giving the best correlation with your criteria that they could.

Mr. Goldsmith. I understand that. My point might be then that the introductory section should not have stated that these were people in 1958 and '63 when in fact they were not.

Mr. Tovar. You are right. That is an incorrect statement. Is your requesting memo here? That is not a very good statement.

Mr. Goldsmith. Here is the letter dated April 6, 1978 which I show you just for your information to show you what the Committee was requesting from the Agency. If you will look under number two.

Mr. Tovar. Then this would appear to correlate with that. You asked to indicate whether the AGency from '58 to '63 interviewed or debriefed former American defectors. So, the time they defected is not the operative consideration.

Mr. Goldsmith. No, it was not.

Mr. Tovar. The time of the debriefing --

Mr. Goldsmith. Yes, that would be the focus.

Mr. Tovar. So these would be at least consistent with that.

Mr. Goldsmith. Yes, that is true. I would like also for purposes of further clarification, to have you read the letter dated May 12, 1978 starting with the second full paragraph. It is not numbered.

Mr. Tovar. Yes.

Mr. Goldsmith. I show you that only for your background purposes, not to ask you any questions about it. In any event, I would appreciate having the name of the individual who prepared the memo passed along to the Office of the Legislative Counsel.

Mr. Tovar. Yes sir.

Mr. Goldsmith. The response that was provided to the Committee indicates that the CIA had no standard precedure for debriefing returning US defectors. What was the basis for that policy or actually for the absence of the policy?

Mr. Tovar. I don't know. I can speculate only -- not having been there and not having any involvement -- I don't know what mentality of those in charge was at that time.

Mr. Goldsmith. What would your specilation be?

Mr. Tovar. I would speculate that the contact with and debriefing, in effect the supervision of Americans in that category would be FBI's prerogative and the Agency as a rule would not have had any basic interest or reason to be involved unless there were a specific counterintelligence concern.

Mr. Goldsmith. Does the Agency today have a policy of, as a matter of routine operating procedure, debriefing returning defectors?

Mr. Tovar. None that I am aware of.

Mr. Goldsmith. Again would you say you relied on the FBI to conduct those interviews?

Mr. Tovar. Yes.

Mr. Goldsmith. Is there any coordination between the Agency and the FBI so that the Bureau is informed when someone in fact is returning?

Mr. Tovar. On American defectors, the type you are speaking of here?

Mr. Goldsmith. An American defector who is repatriated.

Mr. Tovar. I know of no case where they would be interested in the subject. I can't say there is a procedure in being. Knowing the way we relate to the FBI, if we knew of a case of returning Americans, Say we learned it from an overseas station and it seemed of interest, we would probably refer it directly to the FBI by letter.

I am speculating here because I know of no case in point.

Mr. Goldsmith. There is no standard procedure for contactingthe Bureau and informing them of a returning defector?

Mr. Tovar. Not that I am aware of.

Mr. Goldsmith. You would be the person who would be aware of such a procedure?

Mr. Tovar. Berween the Soviet-East European Division and CI Staff we should be aware of it. The two were most primarily concerned with the USSR. I think one or the other of us would inform the Bureau. This is not our primary concern. The Americans, even when they have been naughty boys, having gone to USSR and decided to return, we still don't have necessarily a professional interest in that type of person.

Mr. Goldsmith. What is the responsibility of the CI Staff within the CIA?

Mr. Tovar. In a couple of sentences it is a little difficult. I will tell you what we do. The CI Staff has two principal areas of activity. We are first of all a staff. Are you familiar with the staff as opposed to the division?

Mr. Goldsmith. No, I am not.

Mr. Tovar. You have seen the table of organization of DDO?

Mr. Goldsmith. Yes.

Mr. Tovar. You know generally how we are organized?

Mr. Goldsmith. Yes.

Mr. Tovar. The main set of components of the Directorate is divisions and staffs. The divisions operate a function overseas. We are staff and that is in the military sense we support the Directorat and we support the Director, we suppor one another in an advisory capacity and in various ways. So, we are not an operating component. We don't run spies. We have

a lot of activities which impact on operations but we are not in the true sense of the term an operating element.

So, having said that, the primary field of activity for the CI Staff is research and analysis, and then the other, what we refer to as operations coordination. Now, that is sort of the term which does not -- research and analysis is clear. We examine and analyze cases, essentially cases. We are not scrutinizing people. We are looking at intelligence operations, old and current, primarily things that are not terribly current. We don't tend to follow current operations in the analytic sense. We take old cases and look them over to see if mistakes were made, to see if we can derive lesssons from mistakes made in the past. We publish papers for the Agency's community at large, all in the R&A field.

On the other side we function in the sense of a true staff. We keep our fingers on the activity of the Directorate overseas. We monitor what they are doing, not in the sense of being spooky but we simply read the correspondence. We are given normal distribution of most correspondence coming back from overseas. We keep a hand on the pulse of counterintelligence activities abroad.

To do this, we obviously have to have reasonable currency on operational activity across the board. So, we are generally aware of the operational patterns of activity that prevail in various overseas stations. On that basis we are in a position

to advise the DDO or Directorate as to the level of performance, the kind of activity conducted, the quality, the proper or improper degree of emphasis. We maintain an overview on behalf of DDO.

Mr. Goldsmith. Is your concentration oriented towards counterintelligence threats of a foreign nature?

Mr. Tovar. Yes, totally.

Mr. Goldsmith. You would not be concerned at all with counterintelligence threats domestically?

Mr. Tovar. None whatsoever.

Mr. Goldsmith. Is it correct to say that would be the responsibility of the Bureau?

Mr. Tovar. Absolutely.

Mr. Goldsmith. Now, Lee Harvey Oswald returned from the Soviet Union in 1962. While in the Sovietion Union he worked as a worker in a radio factory. Upon his return I imagine there was someone concerned about his being a counterintelligence threat. Is it fair to say, and I do not want to ask you leading questions but would it be fair to say that would be more the responsibility of the Bureau rather than the Agency upon his actual return?

Mr. Tovar. Yes, the question whether or not he was, let us say, a counterintelligence threat.

Mr. Goldsmith. KGB agent?

Mr. Tovar. That would be a Bureau concern, no question

about that.

Mr. Goldsmith. However, would the Agency make any effort to interview Osald while Oswald was entroute from the Soviet Union to the United States?

Mr. Tovar. You are speaking of what the Agency might have done in '63 or '62?

Mr. Goldsmith. '62.

Mr. Tovar. Again, we are speculating concerning the intelligence of the men who were in charge then. Today I would like to think we would be interested in what he is doing. At the time I don't know. I would think, why not. On the other hand, I couldn't say they would or should be interested. It was not their primary precise prerogative. I think if they could, as I assume they did, the Bureau would discharge its responsibilities vis-a-vis any American of questionable propensity, I should think they would be deferring to the Bureau.

Mr. Goldsmith. That would be the aspect of Oswald where there was a concern taht he posed a counterintelligence threat. What about the fact that Oswald may have had positive intelligence information that would have been helpful to the Agency? That would not be within the jurisdiction of the Bureau?

Mr. Tovar. I think in that context it might have been appropriate for the Agency, if the assumed the point you made, to seek an interview with him. I think the appropriate

vehicle for that would have been the Domestic Contact Division which I think handled most of the contacts referred to in this memorandum.

Mr. Goldsmith. What is the function of the Domestic Contact Division?

Mr. Tovar. They are responsible for intelligence that can be checked properly and legally in the United States normally through American businessmen or American persons and nonofficials who travel abroad and acquire intelligence of interest. This is not just USSR. It could be any other country. Their primary field of activity is to contact and debrief on a vluntary basis, if they so choose to respond, Americans who return from overseas.

Mr. Goldsmith. I notice that the Committee's inquiry concerning the CI's policy as to returning American defectors was routed to your staff, CI Staff. When the memo was prepared by the CI Staff for the Committee, was it done with the thought of representing the entire agency or just the CI Staff?

Mr. Tovar. It is difficult for us to presume to speak for the entire Agency. I think on this matter we are speaking for the Directorate of Operations, not for the entire Agency.

Mr. Goldsmith. Fine. That is really the area with which I was concerned anyway, Directorate of Operations.

Mr. Tovar. The only other element of the Directorate of Operations that would be of an interest in this type of thing, which might be construed as having an interest in this type

of activity, would be the SC Division. On this I think the CI staff could be considered as speaking for the Directorate.

Mr. Goldsmith. Is the Domestic Contact Division part of the CI Staff?

Mr. Tovar. No, part of the Directorate of Operations.

Mr. Goldsmith. The response of the Agency dated April 20, 1978, which appears in CIA Number 1818, indicates that contact seems to be based on opportunity and circumstance. Then it goes on to say only ten of the 117 persons have had any contact with CIA. Would it be possible for you to go into more dtail on what is meant by opportunity and circumstance?

Mr. Tovar. In the asecne of a policy, of a guideline, a procedure, internal instruction which says you will debrief Americans who return from having resided in the USSR, in the absence of that, this thing is left to chance obviously. I cannot explain to you how the names of these 11 passed the desk of whoever was in charge at the time, but assuming they did, my guess, and it is really only a guess, would be that the person who read that, whatever document it was, would say, "Hmmph! He looks like he might be interesting", and perhaps would then get in contact with CCD and suggest if they get in contact with a person, let us say he is known to be living in New York, suggest that they might want to seek out his location and if possible interview him.

I think it would be a matter of chance in the sense that the analyst or whoever it was who reviewed that document, might react, and yet he or she might not, too, depending on how they woke up that morning. It is sheer whimsy.

Mr. Goldsmith. Let me explain to you why the question whether or not it was standard operating procedure to debrief returning defectors is important to the Committee. Since the assassination of the President, there has arisen a group of researchers who have reviewed the Warren Commission Report and have reviewed releases made under the Freedom of Information Act by the CIA and the FBI.

Having reviewed these materials the argument has been made that Oswald received unusual treatment at the hands of the CIA. One example of this unusual treatment is that there is no record of Oswald having been debriefed by the CIA upon his return. For that reason, we are focusing on this issue. Is there any way you can give us guidance on how to respond to that question?

Mr. Tovar. I can't becuase I am sphculating every step along the way. I would hesitate to say more than Oswald simply didn't connect with whoever happened to be looking -- let us assume his name appeared. Was his namde in the list?

Mr. Goldsmith. No. That is the list of people who were debriefed.

Mr. Tovar. One hundred seventeen?

Mr. Goldsmith. I haven't seen the list of 117 people.

Mr. Tovar. What is this?

Mr. Goldsmith. That is a list of 350 odd people I was going to ask you about. However, since you don't have knowledge of the 117, I am not going to ask you about them.

Mr. Tovar. If Oswald's name was on the list, I can't explain why he might not have been contacted. Maybe he didn't appear attractive or interesting enough. I don't know what information might have been given with these names on the list, such as a memo from the FBI or State Department, whoever had originated it, what they said that would have titilated the analyst who might have seen it that would have elicited a response on the part of the analyst who would say "Ah, let us look into this further."

Mr. Goldsmith. In particular, a lot of focus has been given to Mr. Robert Edward Webster, who appears in CIA Number 1820 who defected approximately the same time that Oswald did and returned at approximately the same time that Oswald did and who was debried by the CIA for two weeks in Virginia.

Mr. Tovar. I didn't know that he was. It doesn't say so here.

Mr. Goldsmith. That does not indicate the extend of the debriefing. That information was obtained independently by this Committee.

Mr. Tovar. The name means nothing to me so I can't

enlighten you on it.

Mr. Goldsmith. Does the CIA have any affiliation with organizations in the United States who might be responsible for debriefing someone?

Mr. Tovar. Not that I am aware of.

Mr. Goldsmith. In other words, if anyone is going to be debriefed it would be by the Domestic Contact Division?

Mr. Tovar. In the intelligence sense. In the sense of elucidation of intelligence, DCD would do it. A different type of inquiry, personal investigation, the Office of Security, or whoever it works through, would be the one.

The one we are talking about, DCD is the only organization I know of. I can visualize a circumstance under which operating components might seek out an individual or might have in times past but I can't think of a case in point in my own recollection. I would say, given the strictures on our operating in the United States, we would rely upon DCD to do it if they had any positive intelligence connotation. If it were of an operational nature today, the Foreign Resources Division might pursue it.

Mr. Goldsmith. Yes.

Mr. Tovar. It is the division level of the Directorate. It is the division which seeks in the United States to develop potential intelligence assets for abroad. I think I had better defer to the other people on that. That is roughly where

it stands. They certainly would not have interest in debriefing defectors that I am aware of.

Mr. Goldsmith. In any event, for the purposes of summary, there is today no standard operating procedure of interviewing returning defectors?

Mr. Tovar. Right, insofar as I am aware, there is none.

Mr. Goldsmith. There is no standard operating procedure between the Bureau and the CIA which would coordinate any effort to contact returning defectors and share information?

Mr. Tovar. None that I am aware of.

Mr. Goldsmith. Turning to another area which I would like to get into briefly, would you define what a 201 file is?

Mr. Tovar. A 201 file is a file or files -- it could be several volumes to it -- which relates to an individual. It might pose a dicotomy, a 201 file and project file. A project file might deal with an activity, say collection operations in Timbucktu, a broad scale of activity involving several numbers of people, there might be several 201 files, A, B, C, who were associates in that project. The 201 file would be on the individual himself.

Mr. Goldsmith. Ti would contain primarily biographic information?

Mr. Tovar. No. It would contain a much vaster -- some of them might contain one sheet of paper with name, rank and date of birth. But if the association with him developed and

became more extensive, it might contain a considerable amount of information. If he became involved with this ope-ation it might include operational material, intelligence operations as well, all part of the 201 complex.

The point I am making is that it is an individual file as opposed to an activity file.

Mr. Goldsmith. If you wanted to learn about the operations that an individual was involved in, would you go to his 201 file or to his operations file?

Mr. Tovar. I would go to the 201 file first. There might not be an operations file. In fact, in the vast majority of the 201 cases there are no operational files because there is no hard and fast rule on when you open a 201 file or who opens a 201 file.

If I, for example, am overseas and I become interested in a person who looks to me to have considerable promise from the operational standpoint, say a local foreign type, I might give my own local checks, I might examine my own files to see if I know anything about him. Then I say to headquarters "here is Joe Doe. He is interesting to me for these reasons. Will you please check against headquarters records and other agencies and let me know if you have anything of interest on him."

I might not ask for a 201 file. Headquarters might then, because they thought he was interesting, open a 201 file. Conversely, I might likewise say this looks terribly interest-

ing Please open a 201 file and give me all of the information you can collect on him."

Mr. Goldsmith. I understand that the fact that someone has a 201 file does not mean at all that the individual was involved in any operations of the Agency. If you wanted to get information of an operational nature, would you go both to the 201 file and operations file?

Mr. Tovar. Assuming there was information of an operational nsture?

Mr. Goldsmith. Yes.

Mr. Tovar. Yes, indeed we would.

Mr. Goldsmith. If someone is an agent of the CIA -- I am not referring now to case officers or staff agents -- someone is a field agent for the Agency, would that fact be indicated in the 201 file?

Mr. Tovar. Yes.

Mr. Goldsmith. In the Directorate of Operations someone might open up a 201 file on an individual if the person was of a potential positive intelligence significance?

Mr. Tovar. Or counterintelligence, either one.

Mr. Goldsmith. That was going to be my question. The CI Staff in particular, when would you have occasion to open a 201 file?

Mr. Tovar. CI staff would not necessarily be the only one to open a 201 file. In the case of a person of CI interest,

a field station might have a counter-person I described earlier and become interested in him because he did have some CI attraction or interest. The station itself or the division would open the 201 file. It would not be us. The CI Staff as a rule is not involved in that type of thing.

At this stage of the game since we are not operating and we are not out soliciting new contacts, we are not working in that sense of the term, we don't to my knowledge originate 201 files.

Mr. Goldsmith. The CI Staff does not open up 201 files?

Mr. Tovar. There is no reason that we couldn't.

Mr. Goldsmith. As a pratical matter?

Mr. Tovar. As practical matter it does not work that way. Our research is primarily focused upon established cases, cases that may even be dead, terminated, or dormant, or even current in certain cases, but as a rule not very many. 201 file is opened by someone else. We may examine those files and review them. We do review other activities. But the 201 file would be in existence. They whould not be created by ourselves.

In former days when CI Staff files were segregated from therest of the Directorate it might have been different. I don't know.

Mr. Goldsmith. When was that?

Mr. Tovar. Say prior to 1974, 1957. Today our foles are integrated in the files of the Directorate or it is in the

process of being integrated. We have been working on this. This is one of our major final exercises in the past two or three years to make sure, when you go to the central files and research a name, if there is something in the CI Staff repository that will turn up when you are making a check of the index.

Mr. Goldsmith. Will most 201 files be open as a result of information coming into headquarters from the field, one of the field stations?

Mr. Tovar. Yes, the vast majority. In years before when they has such programs as MH Chaos, I assumed they opened 201 files of their own.

Mr. Goldsmith. What is that?

Mr. Tovar. MH Chaos program?

Mr. Goldsmith. For the record, will you indicate what that program is?

Mr. Tovar. I frankly would rather not becuase I don't know the precise definition of the program. It was a program which has been described in the press as domestic surveillance. Whether that is the correct proper designation, I don't know. Our CI Staff does not normally open a 201 file. We don't have occasion to.

Mr. Goldsmith. Do you know what the term CI/SIG stands for?

Mr. Tovar. Counter Intelligence/Special Investigative

Group, I think it is. Investigative or investigations, I don't know which.

Mr. Goldsmith. Is that group still in existence today?

Mr. Tovar. No.

Mr. Goldsmith. When did it go out of existence?

Mr. Tovar. I don't know exactly. Before my time. I think it ended in '73, '74, '75. I am not sure.

Mr. Goldsmith. Do you know what the function of that group was?

Mr. Tovar. Only in a very vague sort of way. I have heard about it, it was the investigative group in the CI Staff that investigated whatever the CI Staff did in those days. I can't speak to that with any first hand knowledge. I know some things they did but I would be hesitant to make a general definition of their function.

Mr. Goldsmith. Do you know whether the function of that group was to investigate Agency employees who were suspected of having been penetrated?

Mr. Tovar. I think, because I have seen nothing in writing on the subject, but I have been given to understand that was one of their functions in the context of their responsibilities that was included. But I am no authority on the subject.

Mr. Goldsmith. Do you know whether CI/SIG would have occasion to open a 201 file?

Mr. Tovar. I don't know. I can speculate. I don't know.

Mr. Goldsmith. What would your speculation be?

Mr. Tovar. I would speculate in the days when they were functioning they probably did. You have a very unauthoriative witness on that subject.

Mr. Goldsmith. What is the relationship if any between the Office of Security and the CI Staff?

Mr. Tovar. We have basically different functions. The Office of Security is under the Directorate of Administration and is responsible for the personnel and physical security of the entire division. It focuses on personnel security and physical security.

The CI staff as I described it, is an element of DDO concerned with research and analysis and operation and coordination. The relation between us and the Office of Security is simply that between us and another fraternal element of the Agency which has responsibility which sometimes comes close together.

Mr. Goldsmith. Does the Office of Security maintain files which contain information of a derogatory nature on individuals, not necessarily limited to Agency employees?

Mr. Tovar. To my knowledge they don't. My assumption is ii I have never seen what is in their files -- my assumption is that they have files only on Agency personnel. I cannot visualize circumstances under which they would maintain information on people who are not in the Agency or who had not been

applicates for employment and then left.

Mr. Goldsmith. Is the Office of Security interested in maintaining information so that if in the future an individual was being considered for employment in some capacity with the Agency the Secuirty Office would have that information on him?

Mr. Tovar. I cannot visualize that heppening today.

Mr. Goldsmith. I would like to ask you to read CIA 0786, which is a document that this Committee obtained from the Office of Security files on Lee Harvey Oswald.

Mr. Tovar. That sort of suggests they maintained such information then. I still cannot visualize there doing it today.

Mr. Goldsmith. Do you think the function of the Office of Security may be different today from what it was in 1959 with regard to maintaining such files?

Mr. Tovar. The function, I would use the term function, I would say the policy of the Office as far as the way the office operates today. I don't know what they do intrinsically. I cannot visualize their maintaining that kind of current records today. Maybe this is historic, it was in the files since 1969. With the injunction against destroying files, the files remained.

If it was John Q. Doe appearing today in a similar context I would not visualize the Office of Security maintaining this

kind of document.

Mr. Goldsmith. To whom would this document go today?

Mr. Tovar. You mean from the State Department?

Mr. Goldsmith. Yes, a State Department document. Which is indicating that an American citizen is giving information, intelligence information to a foreign country, to whom in the CIA would that document go?

Mr. Tovar. I am not sure it would come to the CIA at all because the CIA does not have responsibility for that type of person. I think it would go to the FBI.

Mr. Goldsmith. Even though the individual is overseas?

Mr. Tovar. Yes. He is an American. Again, this is speculation. I don't know what moves the person who releases cables to the Moscow Embassy today. He might decide or somebody here in State Security might decide that CIA should see this. In that event, it probably would go to the Office of Security as a matter of information..

Mr. Goldsmith. Would information contained in this type of telegram normally lead to the opening of a 201 file?

Mr. Tovar. I would think not.

Mr. Goldsmith. Why not?

Mr. Tovar. There is nothing that suggests here this is going to be of continuing interest to the CIA. This is 1959. Let us say in 1962 the man came back and another message came over and it indicated that he was available for discussion

or was of interest and so on and maybe there are reasons for debriefing, I can visualize a 201 being opened if the matter were of apparent continuing interest. I can see no reason why a 201 would be opened in this case.

Mr. Goldsmith. What if this telegram was followed by a aable indicating that the individual had decided to defect?

Mr. Tovar. What do you mean? He is applying for Soviet citizenship, so he is defecting here?

Mr. Goldsmith. You are correct. I withdraw the question.

Mr. Tovar. I think basically my point is that it is a fact that a 201 need not be opened up on this type -- this is a casual piece of information. If one could eliminate the name Lee Harvey Oswald, which raises flages, it is John Doe and there is nothing in this -- someone might say what an SOB this is but there is nothing to indicate anything but an unfortunate incidental event, I would say today, "why bother. We have enought to do without opening 201 files on people of that nature." The encyclopedic approach is not one that we try to apply.

Bear in mind, I am doing a lot of speculating here. I perhaps shouldn't.

Mr. Goldsmith. You really aren't aware of what the procedure would be in 1959 for dealing with a telegram like this?

Mr. Tovar. No. I would still say today I would not expect

that kind of document to be retained in Agency files anywhere. You know, inter-departmental correspondence is firing paper in all directions all the time on an informational basis. That does not mean it is retained.

Mr. Goldsmith. With regard to this document, after 1959 your testimony is moreorless speculation but you are saying that today you don't think that this type of document would be retained and have any special significance?

Mr. Tovar. I don't think so. I am scratching my head trying to visualize circumstances under which it could be retained. There is nothing of interest to the Agency. There is nothing of immediate counterintelligence interest. I don't know who would retain it or why.

Mr. Goldsmith. For the purpose of clarification, if the CI asked that of the CIA, by that I mean the counterintelligence aspect of the CIA concerned primarily with a foreign counter-intelligence threat, in otehr words, foreign nationals, foreign citizens?

Mr. Tovar. You are asking is it?

Mr. Goldsmith. Yes.

Mr. Tovar. Primarily yes, but not solely. We are concerned with Americans of counterintelligence interest. If an overseas station is informed by somebody that an American is contacting the Soviets and is apparently engaged in what looks like espionage, we would become interested. That is

espionage I am talking about.

Mr. Goldsmith. I understand.

Mr. Tovar. You realize of course with the sensitivity of Americans investigations of Americans we have to be an we are extremely careful in making the determination as to when a person is of counterintelligence interest. We have very strict rules and regulations on the consideration of investigations, considerations retaining information, the rights of a person. The criteria are very stringent. Theyare under esecutive order and Attorney General guidelines. We don't approach this casually at all. It is proscribed activity.

Mr. Goldsmith. Both as to Americans?

Mr. Tovar. Primarily Americans. The Attorney General is not concerned essentially with non-US persons. Our focus of sensitivity is on US persons who are US citizens or residents, aliens or US entities, organizations, which are primarily American in composition.

Mr. Goldsmith. Again, would you focus outside the borders of the United States?

Mr. Tovar. Yes. Inside US is FBI.

Mr. Goldsmith. Before when you made reference to a station overseas, you became aware of an American who might be involved in espionage for another country, you were referring to an American who was living abroad, is that correct?

Mr. Tovar. Yes, or traveling abroad.

Mr. Goldsmith. I would like to show you CIA Number 788 which is the field personality file request form that was used to open Oswald's 201 file. In the middle of the page there is a box which states the term 'Other identification". If someone wrote the number or letter "AG" down, what does that stand for?

Mr. Tovar. I have no idea. What are they referring to here? I cannot think of anything.

Mr. Goldsmith. The form also indicates that Oswald's file was restricted. Do you know of any reason why Oswald's file would have been restricted?

Mr. Tovar. Where is that?

Mr. Goldsmith. Here.

Mr. Tovar. No, I don't know. I don't know what criteria they would have used at that time or even today for that matter, to open a restricted file. Bear in mind, there is a lot of latitude given to the individual who opened these things. He could be a very junior analyst who for reasons of his own decided he would do it this way. Supervision would not necessarily get down there very closely behind him.

Mr. Goldsmith. Do you know what the inter-agency source register is?

Mr. Tovar. Yes.

Mr. Goldsmith. What is that?

Mr. Tovar. As I understand it, it is a register maintained in which other agencies of the government register their

interest in a person. Let us take, for example, you are working for the Army Intelligence and you are in Germany and you become interdsted in Mr. Smith. Let us say you check Mr. Smith with the CIA and with the other agencies and in so doing you wish to have him recorded under the ISR, Inter Agency Source Registry, the entry of his name in the ISR will normally flag prior interest on the part of somebody in the government, in this case you are in the Army.

I don't know what this symbol is but they put two asterisks which indicates to anybody else who checks that name later the US Army has a prior interest in that person.

Mr. Goldsmith. What kind of interest would that be?

Mr. Tovar. Intelligence interest to me, potential intelligence interest. Again, the ISR may have ramifications that I am not aware of. In my experience the ISR has been the place we go to check, say, a new or potentially new source to see if there is ny other previously established government interest in the person which means keep your hands off. The military rely upon this very heavily because we coordinate their clandestine intelligence operations.

Mr. Goldsmith. Would an ISR index be checked prior to opening up a 201 file as a matter of routine?

Mr. Tovar. It has been so many years since I have done this. The way we have become mechanized today I would assume that a normal file check through the central files of the

Directorate would include or would turn up anything that was in the ISR. I am just not sure how it works.

Mr. Goldsmith. If someone were an agent of another intelligence organization would that be indicated in the 201 file?

Mr. Tovar. If it were an agent, agent of another service, that would be in the ISR only if it had been of interest to another agency which said "Put Joh Doe's name in the ISR and indicate he is a US Army intelligence source," at the very least a person of interest to the US Army Intelligence Agency. It would not be there if the Army had not put it in. So you might not know.

Again, I think almost any agent of the military would rely upon the ISr, I would think almost certainly would be entered in the ISr, because they want to maintain control of it, to make sure nobody else gets in the way arnd interferes with their operations.

Mr. Goldsmith. So if someone were an agent it would in all likelihood be indicated in the ISR and assuming the ISR is checked by a CI person prior to opening up the file, he would take note of that fact?

Mr. Tovar. Say that again. Some of this is pretty fuzzy to me. I don't want to mislead you by extrapolating from my own ignorance.

Mr. Goldsmith. If someone is an agent of another

 

intelligence service, that fact would be noted in the ISR?

Mr. Tovar. Another US intelligence service?

Mr. Goldsmith. Yes.

Mr. Tovar. A US military intelligence service only, yes, the military intelligence service would normally be registered in the ISR. Other than the military, the FBI intelligence assets would not be registered in the ISr to my knowledge.

Mr. Goldsmith. But the military tends to make that listing?

Mr. Tovar. In my experience the miltiary has been the primary element involved in the use and the exploitation of the ISR. Let me interpose another point here. I am not an expert in these procedures and I am way out of touch. You live most of your life overseas, you don't do these things back at headquarters. These procedures may be quite different in actuality. I am groping through my memory to see how they were dealt with on an active basis.

A fellow like Bill Donnelly might enlighten you much more than I could about the ISR.

Mr. Goldsmith. I understand that. I think you can tell I am not pressing you for detail on it.

Mr. Tovar. I would like to help you. I am prepared to specualte as I have been doing on things that are somewhat beyond my direct experience and direct responsibility. There is a limit.

Mr. Goldsmith. Now, if someone checking ISR notes that

an individual is a military intelligence agent would the fact of that agency status be noted and a 201 file opened on that individual?

Mr. Tovar. I am not sure. I would think it would be. Again, I am speculating. I think almost certainly if I were doing a file check on a person whose name came from one of the field stations and it turned up the fact he was already registered in the ISR, if a person is of interest let us say, to the US Army Intelligence, that would automatically sort of proscribe further attempts on my part to go in and get involved. I think a notation would be made in the 201 file.

Mr. Goldsmith. As a practical matter that would be a good reason for making the notation?

Mr. Tovar. Yes.

Mr. Goldsmith. Does the CIA regularly use the ISR?

Mr. Tovar. We maintain it as I understand it.

Mr. Goldsmith. So if someone is an agent of the CIA, would that fact be noted in the ISR?

Mr. Tovar. No, I don't believe it would. Again, you can check on that to make certain. Donelly I think can help much better on it. I cannot visualize all our sensitive sources being registered there.

Mr. Goldsmith. Do you know how internal memoranda prepared by James Angleton when he was head of the CI Staff, how internal

paperwork relating to the JFK assassination was prepared and subsequently stored?

Mr. Tovar. No, I really don't. I have no idea. I have seen no documents on that subject. I have seen nothing either originated or approved or signed by him. You realize that any files on this subject are dead files. I am just doing my current job. Until you poeple became interested, we were not dealing with them on a daily basis.

Mr. Goldsmith. What happens to the personal files of an individual such as Angletons or even yourself after leaving the CI STaff?

Mr. Tovar. After leaving the staff or leaving the Agency?

Mr. Goldsmith. Let us take the first after leaving the CI Staff, what would happen to your personal papers?

Mr. Tovar. The personal file, official file on the person in the Agency is retained by the Office of Personnel.

Mr. Goldsmith. That would givern your personal file, your personal papers. What about internal memos, soft copy type files, what would happen to them?

Mr. Tovar. Having been only one element of the organization during my career, it is hard to say.

Mr. Goldsmith. I am not talking now about personnel file. I am talking about soft copy, working files that an individual may maintain.

Mr. Tovar. You mean the files he himself as an individual

maintained?

Mr. Goldsmith. Yes.

Mr. Tovar. Most individuals don't maintain personal files, I don't think. I would say, for example, anything I write, I dictate a memorandum and I send it to anybody you want to name, in a sense that is my work, I have done it but I don't keep a personal file on that. That goes into my office file. It is part of the office chronological file which is maintained by my secretary. Let us say multiply that by 500,000 over a period of years the foles grow. At the time I leave I am incidental in a sense. I just happen to be the person in the job at the time. The files will still be there.

There is a normal retirement and destruction under normal conditions, retirement and destruction program which eliminates the accumulation of excessive useless material.

Mr. Goldsmith. Most paperwork would go in this office chrono file?

Mr. Tovar. Yes, anything of significance would go in the office chrono file. Anything I write to the Directorate of Operations, DDO, CI, it is normally part of the chrono files. If I want it, it is there. It is my own file in the sense that when I am on the job I have total access to it. If I left the job and wanted to look at it six months later, it is still in the fole and I would ask somebody who took my place could I see what I wrote. I would not take it with me.

Mr. Goldsmith. If it is an office chrono file does that meant that everything is filed in a chronological order?

Mr. Tovar. Not necessarily. Here you ought to consult my secretary. There might be a subject breakdown. Ordinarily hte front office, we don't main-ain a lot of files. There is no point in it. Let us say something I signed off on, here is a case in point, memos that are signed on my behalf or that I might have signed, if I were there that day, I would not maintain that in my front office as a rule. That would probably be maintained by the office of origination. I think if I signed it my secretary would certainly maintain a log of things that had gone through me for signature. But I don't think, I could be wrong on this, I don't think as a rule she would maintain a routine memorandum just because I happened to sign it because I sign so many things on that staff. I sign off on a host of things which are not really my creation. I am representing the staff as a whole.

Mr. Goldsmith. Do you know when Mr. Angleton left the CI Staff?

Mr. Tovar. Yes. I am not certain of the precise date. I think it was either December '74 or January '75. That is the position of Chief, Counterintelligence?

Mr. Goldsmith. Yes.

Mr. Tovar. I believe he may have retmained in the office for several months after that before he finally retired.

Mr. Goldsmith. Do you know whether, after Mr. Angleton left the CI Staff, any type of followup was done by that staff on the Nosenko issue?

Mr. Tovar. Followup work?

Mr. Goldsmith. Yes. For example, one of the issues, the key issue with regard to Mr. Nosenko was his bona fides.

Mr. Tovar. Yes, indeed.

Mr. Goldmsith. After Mr. Angleton left was any additional analytical work done on that issue?

Mr. Tovar. A very detailed study was done by my predecessor George Kalaris. A very thorough analysis was made of the whole Nosenko question.

Mr. Goldsmith. Are you referring to the Hart Report?

Mr. Tovar. Yes.

Mr. Goldsmith. Other than the Hart report was any type of followup work or analytical work done after Mr. Angleton's departure?

Mr. Tovar. I don't know for certain. The Hart Report is a thick piece of paper. In the preparation of that report there were probably all kinds of drafts, scratchings and sort of preliminary jobs. All that I know would be in the context of that report. All I know would be some representations in response to the Director's inquiry or your inquiry or someone else's inquiry as to what happened, what did it say, what does it mean, that type of thing, but really correlary efforts.

Mr. Goldsmith. Think for a moment on the Nosenko issue. As Chief of the CI Staff, if it were demonstrated to you very clearly that the story given by Mr. Nosenko on Lee Harvey Oswald was full of contradictions and in addition to contradictions, it was in many ways simply incredible, what impact would that have on the Agency's assessment of Mr. Nosenko as being a bona fide rather than a dispatched defector?

Mr. Tovar. Well, it is difficult to answer. You are posing a question in a narrow sense. You are focusing on one point, Nosenko vis-a-vis Oswald and contradictions that may emerge there. I would answer by saying that again I am not an expert on Nosenko. I don't profess to have a full grasp of his bona fides or anything related to it.

I would say that question alone would not be enough to satisfy me that the inquiry had been made carefully. There is much more to it than what Nosenko had to say about Oswald. There are more aspects about the bona fides issue, more than I could give you today.

Mr. Goldsmith. I have read the Hart Report.

Mr. Tovar. He tried to deal with the whole consideration, the whole Oswald, the handling, the methodology. He did not go into every jot and tittle of the issue.

Mr. Goldsmith. In fact, the Hart Report did not mention the word "Oswald" even one time. Even so, the question I have, if it were demonstrated to you that Nosenko's story on the

Oswald issue is untrue, cannot be believed, would that have any impact on the Agency's assessment of him as a bona fied?

Mr. Tovar. The first reaction would be I would be deeply distressed and concerned, I would want to know more about it. You have to exptrapolate from me to the Agency. Other people have views on this other than myself. If you carried this thing further and convinced everythody, the point you made is valid, then you would have --

Mr. Goldsmith. We are talking hypothetically now. Let us go beyond you. If it were demonstrated to the Director of the Central intelligence Agency that the story given by Nosenko on Oswald -- I am not talking about any of the other information he gave, but on Oswald -- simply cannot be believed because, A, part of it is incredible, B, it is full of contradictions, what effect do you think that would have on the Agency's assessment of him as a bona fide defector?

Mr. Tovar. I literally don't know. I am not sure what the comparative weight of that point would be when considered against the backdrop of the full Nosenko question.

Mr. Goldsmith. As Chief of the CI Staff, you would personally be troubled by that?

Mr. Tovar. Yes, I think I would be troubled by it. I would be troubled. I would be troubled that our current assessment is wrong. That would trouble me.

Again, I would say, too, if this is a serious proposition

you are making, let us say you adduced a number of analysts who examined this thing thoroughly and were in a position of making that kind of judgment, I would say, "I want to have these analysts talk to my analysts because I am not in a position to make that kind of judgment."

Mr. Goldsmith. First of all, I am not making the statement that Nosenko's story on Oswald is inaccurate in any way.

Secondly, even if the story is inaccurate, I don't want to suggest that because of that anyone on this Committee has any feeling that that means Nosenko is not bona fide. My question is really very limited. A, if it were demonstrated that the story on Oswald is inaccurate, what impact would that have on your overall assessment?

Mr. Tovar. You mean demonstrably inaccurate?

Mr. Goldsmith. Yes.

Mr. Tovar. It would have to be examined. It would have to be examined the full panoply of the whole Oswald issue. I would say we will get this team of analysts and we will fight it out. We are talking about hypothesis.

Mr. Goldsmith. Yes. I would prefer to stay away from the term "fighting it out" because there is no one here who is in the posture of making a fighting issue out of it.

I no longer have any questions. I will have questions to ask whoever on your staff participated in the preparation of the memo that we discused earlier.

Normally whenever a witness has an opportunity to testify before the Committee at a hearing, the Committee gives him five minutes at the end to make a statement. This is not a hearing. However, if you would like to make a statement for the record, feel free to do so. If not, you will be given a chance to verify the record for accuracy.

Mr. Tovar. Since I have no position to present and no point to make it is probably improper to make a statement. The only think I would reiterate is that I have been sort of speculating here in many respects. Bear in mind there is an area here where I have a purview that is perhaps valid. We are talking about a lot of things which are way beyond my immediate experience and certainly my current responsibility.

I would say, take some of my speculation with a grain of salt, because I don't mean to be dogmatic on these things. The procedure for handling the 201 file, there are some GS-7 girls down the line who could tell you much more about the 201 files than I would ever be able to compile for you. They are the ones you really should talk to.

Things like the ISR, I know the ISR in a limited framework from the standpoint of a guy overseas who is dealing frequently with the military and registers military sources in the ISR and checks the ISR either on behalf of the military or to see if they have already registered prior interest and so on. There may be other aspects of the thing that you should ge more

professional advice on.

I think your questions have been reasonable. I have found no objection to try to meet you more than halfway on it.

Mr. Goldsmith. Fine. Thank you very much.

(Whereupon, at 3:20 p.m., the deposition was concluded.)

CERTIFICATE OF NOTARY PUBLIC

I, Alfred Joseph LaFrance, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype to the best of my ability and thereafter reduced to typewriting under my direction, that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary Public in and for the
District of Columbia

My Commission expires November 14, 1980.